



# Friends Committee on National Legislation

A Quaker Lobby in the Public Interest

January 31, 2020

Commissioner Andrew Saul  
Social Security Administration  
6401 Security Boulevard  
Baltimore, MD 21235

Re: Rules Regarding the Frequency and Notice of Continuing Disability Reviews – RIN 0960-AI27

Dear Commissioner Saul,

The Friends Committee on National Legislation (FCNL) is a non-partisan, faith-based organization that lobbies Congress and the Administration to advance peace, justice, opportunity and environmental stewardship. Founded in 1943 by the Religious Society of Friends (Quakers), FCNL works with a grassroots network of tens of thousands of people across the country to advance policies that promote peace and justice. FCNL seeks to live our values of integrity, simplicity and peace as we build relationships across political divides to move policies forward.

On behalf of FCNL, we appreciate the opportunity to comment on the Social Security Administration's Notice of Proposed Rules Regarding the Frequency and Notice of Continuing Disability Reviews. FCNL strongly opposes this proposed rule change because it would create undue administrative burdens, prevent deserving people from receiving much needed SSI and SSDI benefits, and fails to adequately analyze the potential impacts of the proposed rule's implementation.

A law passed in 1980 by Congress opened the door for the Reagan administration to later significantly expand disability reviews for those receiving Social Security benefits. This increased frequency of disability reviews resulted in the disenrollment of thousands of citizens and led to serious adverse consequences.<sup>1</sup> The adverse outcomes during the Reagan administration were reported to include personal hardship for families, increased homelessness, and at least 20,000 deaths.<sup>2</sup> In 1982 and 1984, in order to reduce the harsh, harmful effects of SSA's actions, Congress enacted bipartisan legislation to set SSA's Certification of Disability Reviews (CDRs) on a stable and appropriate course. The vote was unanimous in the Senate and only one dissenting vote was recorded in the House of Representatives.<sup>3</sup>

The proposed rule put forward under the Trump administration would cause the same outcome by creating a new category of disability, which would then require more frequent recertification of an individual's disability. Furthermore, the current administration has failed to make a compelling case that this policy should be changed in the first place, and that increasing review frequency will ensure needy disabled children, adults and their families are protected from similar outcomes.

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<sup>1</sup> Chicago Tribune, *Social Security Cuts From Reagan Years Being Restored*, December 4, 1989, <https://www.chicagotribune.com/news/ct-xpm-1989-12-04-8903150162-story.html>

<sup>2</sup> Ibid

<sup>3</sup> U.S. Congress, Public Law 98-460, <https://www.congress.gov/bill/98th-congress/house-bill/3755>

At face value, the change looks minimal. However, it will have a very significant impact on enrollees. The SSA shows that the addition of a 4<sup>th</sup> category called “Medical Improvement Likely” to the existing categories of “Medical Improvement Expected” (6 to 18 month review), “Medical Improvement Possible (3 year review), and “Medical Improvement Not Expected (5 to 7 year review), will likely affect 1.7 million persons in the Medical Improvement Possible category.<sup>4</sup> The Office of Management and Budget (OMB) estimates it will cost the SSA \$1.8 billion in increased administrative costs, with a savings of \$2.6 billion over 10 years.<sup>5</sup>

It’s important to note that these cost savings aren’t an abstract number: the billions of dollars that this proposed rule is projected to save would directly result from the unjust dismissal of adults and children who previously would have qualified for these necessary benefits. We believe that it’s morally wrong for the government to unnecessarily expose people to hardship in the name of reducing costs. We should seek opportunities to protect those in need of assistance, not ways to undercut their access to benefits.

The increased administrative burden caused by the SSA reviewing more cases would put an additional strain on both the SSA and the broader health care community. The SSA is already stretched thin trying to take handle the current level of reviews taking place – creating an even heavier caseload onto the SSA would only delay the review process, increasing the likelihood that deserving individuals lose their benefits while they wait for their cases to be handled. This administrative burden spills over to other stakeholders: enrollees, their caregivers, families, medical support teams, and legal services would all have to cope with more frequent reviews. All of this creates more opportunities for deserving individuals to lose their benefits. Some examples of this are: an inability to complete the necessary reapplication process in a timely fashion, lack of access to the medical and legal providers who assist with the reapplication forms, and/or an inability of Social Security Offices around the country to respond to the increased workload. Furthermore, there is no assurance that the reviews of new applicants will not be delayed because of the increased workload on the agency.

Disabled enrollees are already struggling to make ends meet. SSI provides \$783 a month, or 75% of the Federal Poverty Level. Diverting these individuals’ already scarce resources towards maneuvering through a more onerous process will worsen their financial situation and increase the negative health and social effects of poverty. Furthermore, since health benefits are often tied to this status, disenrollment will result in loss of health care coverage for medications and health needs. Low-income individuals already spend disproportionately large portions of their incomes on necessary expenses like food and housing. Forcing SSI and SSDI recipients to use their already scarce resources towards navigating the benefit renewal process instead of things like shelter and food is morally wrong and unjust.

This proposed rule change by the SSA was introduced in November, with a short time for experts and interested parties to examine and study the impact. The United States, as a democracy, must make information available for its citizens to understand its laws and any rules by administrative agencies

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<sup>4</sup> Social Security Administration, *Rules Regarding the Frequency and Notice of Continuing Disability Reviews*, SSA-2018-0026, Federal Register, Vol. 84, No. 222, November 18, 2019, <https://www.federalregister.gov/documents/2019/11/18/2019-24700/rules-regarding-the-frequency-and-notice-of-continuing-disability-reviews>

<sup>5</sup> Ibid

based on those laws. We recommend that the administration provide information on the following factors before finalizing this proposed rule:

- The impact on the health of the cohort to which this rule will apply, including mortality, morbidity and homelessness.
- The impact to state and local governments of potentially disenrolling thousands of people.
- The capacity of the medical and legal community to carry out the additional reviews and reapplications in a timely way so that worthy individuals are not shut out of the process by a lack of resources in their communities.
- A contingency plan for the review process within the SSA, should Congress or the Administration fail to provide the estimated \$1.6 billion needed to do their reviews so that enrollees aren't harmed.

We believe that if this proposed rule is not withdrawn, the comment period should at least be extended by an additional 45 days so that Congress and the public have more time to evaluate this complex proposed rule change. We believe the American public needs more time and information to fully analyze the potential outcomes of this proposed rule.

In conclusion, FCNL strongly urges the SSA to rescind this proposed rule. FCNL believes that the Federal Government should work to adequately address the situations of people who utilize this assistance rather than push more families into hardship. Instead of implementing proposed rules like this one that exposes more families to hardship, the Federal Government should help people access resources and programs that promote economic mobility and security.

Sincerely,

The Friends Committee on National Legislation